IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALBERT TROCHE, JR.	:	
Petitioner,	:	
	:	
v.	:	**CIVIL ACTION NO. 15-655**
	:	
JOHN KERESTES, *et al.*	:	
Respondents.	:	

ORDER

AND NOW, this 3rd day of November 2016, upon consideration of Respondent's Motion to Remove the Case from Suspense [Doc. No. 15], and it appearing that the Pennsylvania Supreme Court has denied the Petition for Allowance of Appeal, it is hereby **ORDERED** that the Motion is **GRANTED** and the Clerk is directed to **REMOVE** the case from stay and abeyance and from civil suspense and return it to the active docket for final disposition.

Upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation ("R&R") of United States Magistrate Judge Jacob P. Hart, and the objections thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The Objections are **OVERRULED**[1];

2. The Report and Recommendation is **APPROVED** and **ADOPTED**;

3. The Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE** and without an evidentiary hearing;

[1] Petitioner argues that the aggregate sentence of 12 years and one month to 50 years of imprisonment imposed upon him is illegal and unconstitutional. For the reasons set forth in the R&R, Petitioner has not shown that the sentence, although certainly substantial, violated Pennsylvania law or is cognizable in this federal *habeas* proceeding, or that he has any constitutional argument that is meritorious and not procedurally defaulted.

4. There is no probable cause to issue a certificate of appealability[2]; and

5. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFE, J.

[2] There is no basis for concluding that "reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation omitted).